

II.

RESPONSIVE PLEADINGS

A. Parties

No contest.

B. Jurisdiction

No contest.

C. Venue

No contest.

D. Specific Denials

The Marshall specifically denies that he engaged in any conduct that deprived Plaintiff of his property rights in violation of the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

E. Affirmative Defenses

1. Qualified Immunity

The Marshall asserts that he is entitled to the defense of qualified immunity as to any federal claim asserted against him in an individual capacity. He maintains the right to this defense because, at the time of the incidents made the basis of this suit, there was no clearly established law that would have notified him that his conduct with regard to Plaintiff's claims herein was violative of the United States Constitution. And alternatively, not all reasonable officials in his circumstances with regard to the issues in this civil action would have condemned his conduct as violative of the United States Constitution.

2. **Parratt/Hudson Doctrine**

Plaintiff's claims against the Marshall are barred by the doctrine commonly known as "Parratt/Hudson," which precludes a procedural due process claim for denial of property where Plaintiff has an adequate remedy under state law.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Defendant Robert De Los Santos prays that the Court dismiss this suit and declare that Plaintiff take nothing by this action, he recover his costs, including a reasonable attorney's fee expended herein, and he be awarded any further relief to which he may be justly entitled under the law.

Respectfully submitted,

SUSAN HAWK
CRIMINAL DISTRICT ATTORNEY

/s/ Dolena T. Westergard _____
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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Original Answer was served on Plaintiff's counsel by its electronic filing, as required.

/s/ Dolena T. Westergard _____
DOLENA T. WESTERGARD